

AMENDMENT TO THE BY-LAWS OF THE  
ROCKPORT COLONY CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.



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*Attorneys at Law*  
*Terminal Tower*

*50 Public Square, Suite 600*  
*Cleveland, Ohio 44113*

APPROVED AS TO FORM

7/4/97

*Devin E. Schmitt*  
*Attorney at Law*  
*Summit County, Ohio*

THIS WILL CERTIFY THAT A COPY OF THIS AMENDMENT TO THE BY-LAWS OF THE ROCKPORT COLONY CONDOMINIUM UNIT OWNERS ASSOCIATION, INC. WAS FILED IN THE OFFICE OF THE COUNTY AUDITOR OF SUMMIT COUNTY, OHIO.

DATED: 7-07-97

BY: *David L. James, deputy*  
COUNTY AUDITOR

TRANSFER NOT NECESSARY  
7-7-97  
James B. McCarthy County Auditor

AMENDMENT TO THE BY-LAWS OF THE  
ROCKPORT COLONY CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.

WHEREAS, the Declaration and By-Laws of the Rockport Colony Condominium were recorded in Volume 1244, Page 861 et seq. of Summit County Records, and

WHEREAS, the Rockport Colony Condominium Unit Owners Association, Inc. is a corporation consisting of all Unit Owners in the Rockport Colony Condominium and as such is the representative of all owners, and

WHEREAS, Article VI, Section 13 of the By-Laws authorizes amendments to the By-Laws, and

WHEREAS, Unit Owners in excess of 75% of the voting power of the Owners Association have executed an instrument in writing setting forth specifically the new matter to be added, and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the President of the Owners Association that a copy of the amendment was mailed by certified mail to all mortgagees on the records of the Owners Association having bona fide liens of record against any Unit ownership, and

WHEREAS, attached hereto as Exhibit B is a certification of the Secretary of the Owners Association as to the names of the consenting and non-consenting mortgagees of the various Units, and

WHEREAS, the Owners Association has in its records the signed consents to the Amendment signed by 79.2% of the Unit Owners and further has in its records the consents, if any, of the mortgagees as certified by the Secretary in the attached Exhibit B, and

WHEREAS, the Owners Association has in its records the power of attorney signed by 79.2% of the Unit Owners authorizing the officers of the Rockport Colony Condominium Unit Owners Association, Inc. to execute this recorded document on their behalf, and

WHEREAS, the proceedings necessary to amend the By-Laws as required by Chapter 5311 of the Ohio Revised Code and the Declaration and By-Laws of the Rockport Colony Condominium have in all respects been complied with,

NOW THEREFORE, the By-Laws of the Rockport Colony Condominium Unit Owners Association, Inc. is hereby amended by the following:

MODIFY BY-LAWS ARTICLE II, SECTION 1, entitled BOARD OF MANAGERS - Number and Qualifications as contained on Page 5 and recorded at Volume 1244, Page 861 et seq. of Summit County Records. Said modifications are as follows: (new language is underlined, deleted language is struck out)

"Section 1. Number and Qualifications. The number of Board members shall be increased to five (5). Three (3) Board positions shall be up for election in 1997 and two (2) Board positions shall be elected in 1998. Boar members shall serve a two (2) year term.



James B. McCarthy

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Therefore a five (5) member Board with two (2) year terms shall be elected and this 3-2 rotation shall continue yearly thereafter. The Trustees of Rockport Colony Condominium Unit Owners Association, Inc. shall be and shall be known and designated as the Managers and shall collectively comprise the Board of Managers of the Association. The Board of Managers shall consist of five (5) persons except as otherwise provided in these By-Laws, all of whom must be Owners (or persons who could be heirs-at-law of Owners under the Ohio statutes of descent and distribution) and occupiers of a Unit, except as provided otherwise in these By-laws. The Grantor shall designate all of the Managers of the first Board of Managers of the Association who shall have all of the powers, authorities and duties herein conferred upon and/or delegated to the Board of Managers until the periods of time set forth in Article I, Section 5 and Article VI, Section 1 of the By-Laws, whichever event shall first occur."

Any conflict between this provision and any other provision of the Declaration and By-Laws shall be interpreted in favor of this By-Laws provision establishing a five(5) member Board.

IN WITNESS WHEREOF, the said Rockport Colony Condominium Unit Owners Association, Inc. has caused the execution of this instrument this 23<sup>rd</sup> day of June, 1997.

ROCKPORT COLONY CONDOMINIUM UNIT  
OWNERS ASSOCIATION, INC.

Signed in the  
presence of:

Marilyn J. Henkel  
Witness: MARILYN HENKEL

William A. Averill  
Witness: WILLIAM AVERILL

By: Gordon Simon  
GORDON SIMON, its President

By: Mary Anne Davis  
MARY ANNE DAVIS, Secretary

This instrument prepared by:  
DAVID W. KAMAN, Esq.  
Kaman & Ott, Attorneys at Law  
50 Public Square  
600 Terminal Tower  
Cleveland, Ohio 44113  
(216) 696-0650



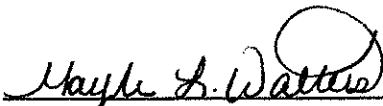
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STATE OF OHIO           )  
                              ) SS  
COUNTY OF SUMMIT       )

BEFORE ME, a Notary Public in and for said County, personally appeared the above named Rockport Colony Condominium Unit Owners Association, Inc., by its President and its Secretary, who acknowledge that they did sign the foregoing instrument and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at  
CLEVELAND, Ohio, this 23<sup>rd</sup> day of June,  
1997.

  
NOTARY PUBLIC  
GAYLE L. WALTERS  
NOTARY PUBLIC, STATE OF OHIO  
Recorded in Cuyahoga County  
My Comm. Expires Nov. 1, 1999

  
James B. McCarthy    AM    32.00

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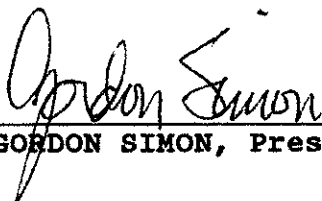
EXHIBIT A

AFFIDAVIT

STATE OF OHIO           )  
                              )   SS  
COUNTY OF SUMMIT       )

GORDON SIMON, being first duly sworn, states as follows:

1. He is the duly elected and acting President of the Rockport Colony Condominium Unit Owners Association, Inc.
2. As such President, he caused copies of the amendment to the By-Laws of the Rockport Colony Condominium Unit Owners Association, Inc. to be mailed by certified mail to all mortgagees on the record of the Association having bona fide liens of record against any Unit Ownership.
3. Further affiant sayeth naught.

  
GORDON SIMON, President



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BEFORE ME, a Notary Public in and for said County, personally appeared the above named GORDON SIMON who acknowledges that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at CLEVELAND, Ohio, this 23<sup>rd</sup> day of June, 1997.

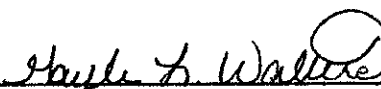
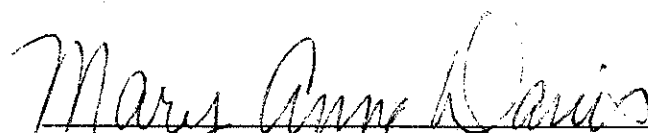
  
NOTARY PUBLIC  
GAYLE L. WALTERS  
NOTARY PUBLIC, STATE OF OHIO  
Recorded in Cuyahoga County  
My Comm. Expires Nov. 1, 1999

EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned being the duly elected and qualified Secretary of the Rockport Colony Condominium Unit Owners Association, Inc., hereby certifies that there is on file in the records of the Association, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the By-Laws of the Rockport Colony Condominium Unit Owners Association, Inc.

N O N E

  
MARY ANN DAVIS, Secretary

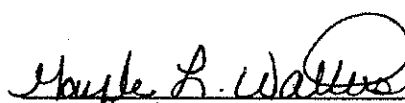
STATE OF OHIO       )  
                          ) SS  
COUNTY OF SUMMIT )



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BEFORE ME, a Notary Public in and for said County, personally appeared the above named MARY ANN DAVIS who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at CLEVELAND, Ohio, this 23<sup>rd</sup> day of June, 1997.

  
NOTARY PUBLIC

**GAYLE L. WALTERS**  
NOTARY PUBLIC, STATE OF OHIO  
Recorded in Cuyahoga County  
My Comm. Expires Nov. 1, 1999